



**Briefing note for the meeting with Mr. Michael O’Flaherty, the Council of Europe  
Commissioner for Human Rights  
27 May 2026**

**I. Verifications and measures undertaken by the People’s Advocate for the protection of  
elderly persons institutionalised in residential care centres**

**Abuse and ill-treatment in centres for elderly persons, including unauthorised or  
informal facilities**

The People’s Advocate handled a number of cases involving the living conditions of beneficiaries accommodated in residential social care services, as well as the operation of unlicensed centres.

In the cases examined by the People’s Advocate, issues relating to accommodation conditions, the provision of medical care, the quality of food and the manner in which institutionalised persons were cared for were analysed, following both complaints and own-initiative actions. In this context, specific measures were undertaken consisting of **requesting the competent authorities vested with inspection and sanctioning powers to carry out verifications**, in accordance with their legal competences.

Where necessary, the People’s Advocate ordered its **own investigations** in order to verify the reported issues, followed by notifications addressed to the competent authorities and, where appropriate, by the issuance of recommendations.

For example, at the **Hotarele Residential Centre, Giurgiu County, deficiencies were identified regarding hygiene and medical care**, consisting of the lack of hygiene products in sanitary facilities, the improper use of cleaning materials, the presence of insects, insufficient ventilation of rooms and the persistence of unpleasant odours. Following the investigation carried out, the People’s Advocate issued **Recommendation No. 194/2025 to the management of the General Directorate for Social Assistance and Child Protection of Giurgiu County (DGASPC Giurgiu)**, requesting measures to improve the beneficiaries’ care and hygiene conditions, the assessment of beneficiaries’ health status, the provision of rehabilitation services and the possibility of daily bathing, the remedying of material and hygiene deficiencies, as well as the improvement of ventilation conditions and insect control.

Given the vulnerability of institutionalised persons, especially elderly persons and persons with disabilities, **the police authorities and the prosecutor’s office were also notified in certain cases.**

In most of the cases analysed, the People’s Advocate identified problems in residential centres for elderly persons and persons with disabilities, consisting of inadequate accommodation and hygiene conditions, deficiencies in the provision of food, a lack of

qualified staff, as well as non-compliance with minimum quality standards and operational rules.

Other serious situations concerned **overcrowding**, as in the case of the “**Casa cu Magnolii**” centre in **Giurgiu County**, the use of non-compliant food products, including *expired food, the lack of adequate medical care, as well as cases involving the severe deterioration of beneficiaries’ health conditions, including a suspicious death* occurring in the context of inadequate care, in the case of a beneficiary accommodated in **an illegal centre in Voluntari**, Ilfov County. More specifically, in case file No. 6271/2025, the People’s Advocate initiated an own-initiative inquiry following press reports concerning an **illegal centre for elderly persons in Voluntari**, where social inspectors found **several elderly persons living in precarious conditions**, without documents attesting to the lawfulness of the centre’s operation, while **one of the residents died** on the way to hospital.

Furthermore, in the case of a **centre in Ariceştii Rahtivani, Prahova County**, **unsafe food products, unsanitary conditions and deteriorated furniture were identified**, while the activity of the food preparation unit was suspended, the non-compliant food products were destroyed and sanctions were imposed.

In some cases, **breaches of the legal rules governing the operation of residential centres** were identified, **including sanitary non-compliance**, for which sanctions were imposed and remedial measures ordered, while in other situations **negligence in care**, the absence of rehabilitation activities and deficiencies in respecting the rights of beneficiaries were identified.

Although some of the deficiencies were subsequently remedied and certain facilities either became compliant with legal requirements or implemented corrective measures, **these cases consistently highlight systemic vulnerabilities concerning the protection of institutionalised persons and the need for stricter and continuous oversight by the competent authorities.**

The analysis of the cases highlighted **the need for constant monitoring of public and private residential centres, as well as the importance of firm intervention by the authorities**, including not only inspections, but also the **imposition of sanctions and the adoption of concrete protective measures**. Such an approach contributes to improving living conditions and ensuring the effective protection of the rights of institutionalised persons.

## **II. Unauthorised residential centres and serious risks for vulnerable persons**

A particularly worrying issue concerns the **operation of unlicensed centres**, a recurring problem generated by the increased demand for institutional care services and the **insufficient response of the State**.

In this context, **certain entities resort to unlawful practices in order to avoid or simplify authorisation procedures**, including situations in which social service providers **altered their registered scope of activity** so that residential care homes for elderly persons formally became **accommodation facilities intended for residential use**, rented to beneficiaries while, **in parallel, care and supervision services continued to be provided outside the legal framework specifically applicable to social services**, thereby endangering the beneficiaries’ safety, dignity, health and lives.

For example, in case file No. 39097/2025, the People’s Advocate found that **a centre for elderly persons, and subsequently, following the commencement of the inspections, more than 40 such centres were identified, had formally changed its scope of activity and was operating through a structure of commercial companies combining the rental of accommodation spaces with the provision of care services outside the legal framework applicable to social services**. In reality, the activity carried out was similar to that of a residential care centre for elderly persons, although the beneficiaries were accommodated on the basis of rental agreements. The authorities identified possible breaches of the law, including the filing of criminal complaints for the unlawful exercise of regulated activities.

In another case file, No. 22869/2025, the People's Advocate initiated an own-initiative inquiry concerning the situation of a **private individual in Bihor County who was accommodating more than 300 vulnerable persons in privately owned dwellings**, while carrying out residential-type activities without authorisation or a social service licence.

In relation to the serious problems identified, the People's Advocate issued recommendations. As regards the **level of compliance of the authorities with the recommendations issued by the People's Advocate**, it was found that some authorities fully complied with them, while others implemented them only partially, in which case the actions undertaken by our institution are continuing.

An example of the partial implementation of the recommendations issued by the People's Advocate was Recommendation No. 205/2025, issued in connection with the resolution of the problems identified in the case from Bihor County, in which a private individual was caring for more than 300 beneficiaries. Through this recommendation, addressed to the Ministry of Health, the Ministry of Labour, the General Directorate for Social Assistance and Child Protection of Mehedinți County (DGASPC Mehedinți) and the Drobeta Turnu Severin County Emergency Hospital, measures were requested in order to prevent the discharge or transfer of persons lacking discernment to private individuals or unauthorised structures, as well as to ensure compliance with the legal framework governing the protection of vulnerable persons.

The responses provided by the institutions fully confirmed the findings of the People's Advocate and led to measures such as the updating of discharge procedures within the hospital, the transmission of recommendations to healthcare units nationwide, the initiation of legislative amendments and the notification of criminal investigation authorities in certain situations.

Nevertheless, the People's Advocate considered that certain institutions (DGASPC Mehedinți and the Ministry of Labour) had implemented the recommendations only partially, since the measures communicated remained merely declaratory or at the level of intention, without detailing concrete actions, deadlines and clear implementation responsibilities.

At the same time, the People's Advocate identified legislative gaps in the regulation of social services, generated by the fact that the special legislation does not expressly criminalise the provision of social services without a licence or authorisation by private individuals or entities that de facto carry out such activities. Although Article 348 of the Criminal Code regulates the offence of unlawfully exercising a profession or activity, the application of this provision is conditional upon the existence of express provisions in the special legislation establishing the obligation of authorisation and the criminal sanctioning of activities carried out without complying with the legal requirements, whereas the current legal framework does not contain such provisions for all situations identified in practice.

Thus, having regard to the constituent elements of the offence provided for in Article 348 of the Criminal Code, the absence in the special legislation of provisions stating that the provision of social services by entities or private individuals that de facto carry out such activities is punishable under criminal law, or the failure to criminalise a specific act as an offence, leads to the impossibility of establishing the existence of the offence of "Unlawful exercise of a profession or activity" (Article 348), or of another offence under the special legislation. Therefore, in order to ensure the application of the above-mentioned criminal provision (Article 348), it is necessary for the special laws to include provisions regulating the situation of legal entities or private individuals that de facto provide social services, as well as provisions stipulating that the carrying out of such activities is punishable under criminal law.

At present, the situation of commercial companies whose registered scope of activity does not include the provision of social services, but which de facto carry out such activities, falls outside the scope of Law No. 197/2012. Consequently, such companies are not subject to accreditation under the aforementioned law and do not fall within the scope of the sanctioning provisions laid down in Article 31 of the same law, with the consequence that Article 348 of the Criminal Code also becomes inapplicable.

Furthermore, the situation of private individuals who de facto provide social services also falls outside the scope of Article 348 of the Criminal Code; in such cases, one person allows several other persons to establish their domicile in a property owned by them (the “de facto caregiver”), after which those persons are subjected, within that premises, to a regime similar to that applicable to persons institutionalised in various social institutions, without any authorisation of the activity or any specific oversight by the authorities.

Another way in which the People’s Advocate contributes to the protection of the rights of elderly persons is through the drafting and publication of special reports, which summarise the conclusions of the actions undertaken and formulate recommendations of a systemic nature. In cases where, during the investigations carried out, the People’s Advocate identifies legislative gaps or serious cases of corruption or non-compliance with the laws of the country, a report containing the findings is submitted to the Presidents of the two Chambers of Parliament or, as appropriate, to the Prime Minister.

Thus, on 16 October 2025, the People’s Advocate published the Special *Report on the Situation of Elderly Persons Exposed to a High Risk of Poverty and Social Exclusion*.

**The People’s Advocate found that elderly persons face numerous problems affecting their quality of life and placing them in difficult situations.**

One of the most serious problems faced by most elderly persons is **financial hardship**, which often results in **living conditions at subsistence level**. The income of elderly persons consists mainly of pensions, which are frequently insufficient to cover the increasing costs of housing maintenance, food and necessary medication.

The lack of income or low income prevents access to services provided within specialised centres, especially where family members or relatives are unable to provide long-term care.

An essential issue in the context of caring for elderly persons is their **poor state of health**, which represents a major source of difficulties. **The mental health needs of elderly persons are often ignored or treated superficially**, leading to a significant decline in their quality of life. There are serious conditions, such as Alzheimer’s disease or schizophrenia, which not only affect cognitive functioning and often autonomy, but also have direct legal and administrative consequences: affected persons are no longer able to sign documents or complete forms. This considerably complicates the management of their personal and legal affairs, turning care into a complex process requiring the involvement of other persons, whether family members or specialised institutions.

**Loneliness represents a major problem**, caused by the loss of life partners, the departure of children to other localities in search of a better life, and the lack of places dedicated to leisure activities and social interaction among elderly persons.

For example, in Vâlcea County, the Brezoi Town Hall states that there is an increasing number of elderly persons living alone because their family members have moved elsewhere or because they have become widowed, many of them suffering from various chronic illnesses requiring long-term care. In this context, the local authorities have observed an increase in cases of dementia, as well as depression among elderly persons, requiring lengthy care and generating high costs.

**The main problems identified in ensuring long-term care services for dependent elderly persons are:** the acute shortage of specialised staff in the field of social assistance; the lack of specialised and care staff (home caregivers and informal caregivers); limited access to social services; the absence of a support network for elderly persons; the lack of involvement of the elderly person’s family in the support and care process; poor cooperation between institutions capable of intervening in addressing the needs of elderly persons; and insufficient financial, logistical and human resources for the full implementation of the legal provisions<sup>1</sup>.

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<sup>1</sup> According to Order No. 2489/2023, a case manager may handle no more than 50 elderly persons and must be a licensed social worker within the public social assistance service. For example, within the municipality of Arad, more than 300 elderly persons benefit from social services provided by private social service providers (most of

Among the **proposals put forward by the People's Advocate** in this report are: the allocation of non-reimbursable funding for the construction, equipment and establishment of medico-social residential centres; the creation of specialised centres for elderly persons diagnosed with dementia and Alzheimer's disease; protected housing for senior citizens; the development of a uniform intervention procedure for cases involving elderly persons suffering from dementia or other mental disorders; the adoption of urgent and coordinated measures at national level to prevent the emergence of *ad hoc* care homes; as well as the revision and supplementation of the legal framework applicable to adults with care needs who do not fall within the currently regulated categories.

**One concrete outcome of these actions was the amendment of Law No. 17/2000 through the introduction of the obligation to provide counselling and assistance to elderly persons when concluding property transfer deeds, in order to prevent abuse and ensure their protection.**

Furthermore, **Government Emergency Ordinance No. 70/2025 amended the legislative framework in the field of social assistance by expressly establishing that private individuals may not act as providers of social services.**

As part of its continued systematic efforts to monitor and protect vulnerable persons, the People's Advocate also intervened through the drafting of the **Special Report on the difficulties encountered by persons with disabilities and by patients whose social situation leads to prolonged hospitalisation**, published on 12 March 2024.

Through this Special Report, the People's Advocate drew the authorities' attention to the difficulties faced by persons with disabilities and by patients who, because of their social situation, remain hospitalised for long periods, largely due to the impossibility of their discharge.

Following the centralisation of the data obtained through the actions undertaken nationwide, the People's Advocate found that there are patients who have remained hospitalised for several months, require post-hospital medical care at home, but cannot benefit from such care because they either no longer have a domicile or do not have relatives able to take them in and assist them. As a result, medical units are compelled to occupy hospital beds with patients who have effectively become social emergency cases.

Discharge is hindered by the absence of relatives or by their limited interest in providing home care - particularly for bedridden persons - as well as by the lack of housing or heating sources, lack of income, the impossibility or very long delays in the admission of persons without relatives to centres or facilities intended for vulnerable persons, the overcrowding of centres within the residential care system, the impossibility of admission to private residential centres due to the lack of financial resources, and the absence of palliative care centres for incurably ill patients.

**The social situation of the patients concerned has led to prolonged hospitalisation, even though their medical condition would have allowed discharge.** Patients in this situation remain accommodated in hospitals, for strictly humanitarian reasons, for extended periods of time, **either because adults with disabilities cannot be admitted to residential centres (centres currently implementing restructuring plans) or because the existing residential services are operating at full capacity.**

The institutions and authorities notified informed us that, as a result of the deinstitutionalisation process and the efforts to prevent institutionalisation, **both medical care and post-discharge social support have become more difficult to provide**, while identifying an appropriate solution for the care and supervision of vulnerable persons has become increasingly difficult and challenging.

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them within residential care services), while more than 450 elderly persons benefit from social services through the Arad Directorate for Social Assistance (DAS Arad).

It is considered that the provisions concerning deinstitutionalisation and the prevention of institutionalisation **cannot be implemented** until an alternative network of social services is established. However, **Romania is facing a lack of care services for elderly persons, persons with disabilities and homeless persons, as well as a lack of home care services.**

The specific needs of persons belonging to vulnerable groups in Romania cannot be met by the existing social services infrastructure, making its further development necessary so that it takes into account the characteristics of each vulnerable group.

Social services are insufficiently developed at the level of urban administrative-territorial units and exist only to a very limited extent, or not at all, within rural administrative-territorial units.

Against the background of the increasing number of persons with disabilities and elderly persons living alone, and in the absence of the development of services intended for elderly persons with disabilities and of community-based alternatives to institutionalisation, there is a risk that adequate social services will not be available for persons unable to ensure their protection within the family or in private centres.

### **III. Legal representation**

**The issue of legal representation arises not only in relation to institutionalised persons, but also in relation to non-institutionalised persons benefiting from family support, in respect of whom we receive complaints from third parties. One example concerns persons with disabilities diagnosed with Alzheimer's dementia (e.g. case files No. 3285/2025 and No. 18404/2025), in relation to whom relatives notified our institution regarding the outcome of assessments or reassessments for classification within a degree of disability. The absence of proof of legal representation becomes apparent when our institution, in order to ensure the confidentiality of the personal data obtained, requests that the person submitting the complaint provide evidence of their capacity as legal or conventional representative of the person concerned by the case file.**

**Understanding the importance of the existence of a legal representative for vulnerable persons, capable of representing them in their relations with the authorities for the purpose of ensuring their effective protection and guaranteeing the actual exercise of their rights, in situations such as those referred to above, as well as in cases where issues of representation arise incidentally during the verifications carried out, irrespective of whether the person concerned is elderly or not, we request the authorities (DGASPC, DAS, the prosecutor's office) which have active standing in such matters to take measures for the initiation of judicial proceedings aimed at appointing a legal representative (e.g. case file No. 10989/2025 – concerning a non-institutionalised person from Hunedoara County whose guardian was not fulfilling their duties, the court having been notified for the replacement of the representative; case file No. 27840/2025 - concerning a non-institutionalised person with disabilities whose legal representative (the mother) is in a poor state of health).**

**The absence of such measures may lead to situations that, in practice, constitute a genuine obstacle to communication between the person concerned and public institutions, as well as to accessing any benefits to which they are entitled, the exercise of that person's rights becoming practically paralysed (e.g. pensions, social benefits, and benefits and rights granted to persons with disabilities).**

**A serious case of failure to comply with the provisions concerning legal representation involved 12 patients diagnosed with "severe mental retardation", who were clearly lacking discernment and who were discharged and transferred/relocated without the required procedures being followed and without obtaining the necessary legal consents, to a private location in Bihor County that is not authorised to provide social or medico-social services, as well as to a private individual who had not been legally**

**appointed (Case Files No. 22869/2025 and No. 20695/2025).** The complex actions undertaken included investigations and the issuance of **recommendations (Recommendation No. 205/2025,** addressed to the Drobeta Turnu Severin County Emergency Hospital, Mehedinți County, the General Directorate for Social Assistance and Child Protection of Mehedinți County, the Ministry of Labour, Family, Youth and Social Solidarity, and the Ministry of Health).

The People's Advocate found that the responses received from the Ministry of Health and the Drobeta Turnu Severin County Emergency Hospital confirmed the findings of the People's Advocate and, at the same time, reflected their acceptance of Recommendation No. 205/2025.

Furthermore, the response received from the General Directorate for Social Assistance and Child Protection of Mehedinți County also reflected acceptance of Recommendation No. 205/2025. However, since the authority merely stated that it "would analyse the situation" of the 16 patients hospitalised in the Chronic Psychiatry and Acute Psychiatry Sections of the Drobeta Turnu Severin County Emergency Hospital, without indicating concrete measures, deadlines or clear responsibilities, the People's Advocate approved the continuation of the action through a separately registered own-initiative inquiry, with a view to obtaining additional information. Nevertheless, at this stage, it cannot be considered that the Recommendation of the People's Advocate has been implemented de facto.

It was also found that the response of the Ministry of Labour confirmed the findings of the People's Advocate, but represented only a partial implementation of Recommendation No. 205/2025. Thus, following the Recommendation of the People's Advocate, the Ministry of Labour analysed and initiated amendments to the legislation in order to eliminate the inconsistencies identified. Through Government Emergency Ordinance No. 70/2025, the Social Assistance Law No. 292/2011 was amended, introducing concrete measures aimed at preventing non-compliance with legal provisions by private individuals wishing to become involved in assisting vulnerable elderly persons. However, no concrete measures taken for the protection of persons with disabilities lacking discernment and placed in the care of a private individual were communicated to us.

### **Relevant legal framework**

#### **Article 164 of the Civil Code provides that:**

“(1) An adult who is unable to manage their own affairs due to an impairment of mental faculties, whether temporary or permanent, partial or total, established following a medical and psychosocial assessment, and who requires support in forming or expressing their will, may benefit from judicial counselling or special guardianship, if the adoption of such a measure is necessary for the exercise of their legal capacity on an equal basis with other persons.

(2) A person may benefit from judicial counselling where the impairment of their mental faculties is partial and it is necessary for them to receive continuous support in the exercise of their rights and freedoms.

(3) Judicial counselling may be instituted only where adequate protection of the protected person cannot be ensured through assistance in the conclusion of legal acts.

(4) A person may benefit from special guardianship where the impairment of their mental faculties is total and, where appropriate, permanent, and it is necessary for them to be continuously represented in the exercise of their rights and freedoms.”

“(5) Special guardianship may be instituted only where adequate protection of the protected person cannot be ensured through assistance in the conclusion of legal acts or through judicial counselling.

(6) Minors with limited legal capacity may also benefit from special guardianship. However, where the guardianship court considers that the protection of the person may be ensured through the institution of curatorship or by placing the person under judicial

counselling, such a measure may be ordered one year before the person reaches the age of 18 and shall produce effects from that date.”

**Furthermore, pursuant to Article 165 of the Civil Code:**

The institution of judicial counselling or special guardianship may be requested by the person requiring protection, by their spouse or relatives, by relatives by affinity, by the person living together with them, as well as by the other persons, bodies, institutions or authorities referred to in Article 111, which shall apply accordingly.

**At the same time, issues relating to the protection of the person also arise in connection with the conclusion of legal acts, with potentially serious effects on the person’s assets, as will be highlighted in a separate section concerning persons hospitalised in medical units who conclude legal acts transferring ownership, alienating immovable property owned by them in exchange for the promise of receiving care/maintenance after discharge, where the validity of their consent is affected.**

**IV. Conclusion of legal acts transferring ownership by hospitalised elderly persons through the exploitation of their vulnerability**

The vulnerability of elderly persons manifests itself in multiple ways, which requires a comprehensive approach, failing which the concept of protection becomes merely an abstract objective, devoid of substance and incapable of effectively guaranteeing the rights of those meant to benefit from such protection.

One important dimension of the vulnerability of elderly persons arises in situations where their state of health requires hospitalisation. Even during their stay in medical units, elderly persons may find themselves confronted with an uncertain future in which, once discharged from hospital, they may no longer have access to adequate care at home. Such situations may result, for example, from the absence of family members, the fact that relatives no longer live near the elderly person (because they reside in another locality or another country), and, not least, the limited capacity of public authorities and private organisations to provide home care services.

Faced with an uncertain future that they are unable to manage on their own, elderly persons naturally experience fear and emotional distress, which place them under considerable psychological pressure. These circumstances of vulnerability, combined with medical conditions that may also affect their mental state, including their discernment, create favourable conditions for third parties previously unknown to the elderly person to persuade them, through false promises, to transfer ownership of their property, for example the home in which they live, in exchange for promises of lifelong care and support.

The persons acting with fraudulent intent to whom we refer establish relationships with elderly persons during their hospitalisation and create in them a false sense of trust and the impression that only they are capable of properly caring for and protecting them after discharge from the medical unit. In this way, such third parties assume the role of representatives of the elderly person in relation to the medical unit and tend to obstruct the actions that authorities responsible for social services and hospital social workers may undertake in order to protect the rights of elderly persons.

*Accordingly, also taking into account a specific case reported by a social worker from a medical unit in Bucharest, the People’s Advocate initiated an own-initiative inquiry both regarding that particular case and the general situation in Romania, and requested the authorities under whose authority the hospital units operate (the Ministry of Health, the Bucharest Municipality Association for Social and Medical Assistance - ASSMB, local authorities - town halls/DAS, DGASPC/prosecutor’s offices), as well as the National Union of Public Notaries of Romania, to carry out specific verifications regarding the practical application of the legal provisions intended to protect elderly persons in relation to the legal acts they conclude.*

**The information requested concerned, in essence, the actual content of the assistance and counselling provided to vulnerable elderly persons, cooperation with other institutions (hospitals, prosecutor's offices, police authorities, the National Union of Public Notaries of Romania) for the purpose of ensuring the effective protection of these persons, as well as the difficulties encountered by the authorities in carrying out these activities.**

**Thus:**

**The information requested from the local authorities** concerned, in essence, the specific manner in which they provide counselling and assistance to elderly persons and the way in which the authority becomes involved in the conclusion of legal acts transferring ownership of property belonging to such persons, for the purpose of ensuring their care and maintenance; the manner in which representatives of the guardianship authority are effectively informed about situations involving elderly persons to whom they are required to provide ex officio assistance; the manner in which elderly persons are effectively informed about the possibility of requesting and obtaining counselling and/or assistance from the guardianship authority when concluding legal acts; the manner of cooperation with medical units for the purpose of identifying cases involving vulnerable persons, regardless of age, in order to adopt measures aimed at protecting their rights and interests; the manner of effective cooperation, in specific cases, with the National Union of Public Notaries of Romania; as well as the manner of cooperation with police authorities and prosecutor's offices for the prevention/investigation of cases that may constitute criminal offences.

**The Administration of Hospitals and Medical Services Bucharest (ASSMB) and the Ministry of Health** (in respect of the medical institutions under their authority) were requested to provide information concerning the specific activities carried out by hospital social workers in relation to initiating actions aimed at protecting vulnerable persons hospitalised in the respective medical institutions and at preventing abuse at an early stage; the manner of cooperation with local authorities for the purpose of adopting measures aimed at protecting the rights and interests of vulnerable persons, regardless of age, admitted to medical units; as well as the manner of cooperation with police authorities and prosecutor's offices for the prevention/investigation of cases that may constitute criminal offences.

**The National Union of Public Notaries** of Romania was requested to provide information concerning the practical application of the above-mentioned legal provisions from the perspective and within the specific sphere of notarial activity, as well as information regarding the manner of cooperation with representatives of the guardianship authority and, where applicable, situations in which difficulties had been encountered in the course of such cooperation and the effective measures adopted for the protection of vulnerable persons, together with any other relevant information.

***The case files are currently under examination.***

*From the perspective of the relevant legal framework, the following provisions were taken into account:*

- the provisions of Article 30 of Law No. 17/2000 on social assistance for elderly persons, according to which:

*(1) The guardianship authority/guardianship court of the administrative-territorial unit where the elderly person has their domicile or residence is required to provide, at the request of that person, free legal counselling for the purpose of concluding sale-purchase or donation agreements, or for the establishment of movable or immovable security interests concerning the movable or immovable property of the elderly person.*

*(2) The elderly person shall be assisted, at their request or ex officio, as appropriate, by a representative of the guardianship authority/guardianship court for the purpose of concluding any legal act transferring ownership of their property, with a view to ensuring their maintenance and care, as well as for the conclusion of lease/loan-for-use agreements with private individuals for accommodation purposes and for ensuring their maintenance and care.*

- the provisions of Article 31 of the same law, according to which the obligations relating to maintenance and care, as well as the practical arrangements for their performance, must be expressly stipulated in the legal act concluded before the public notary, failing which the act is null and void;

- the provisions of Article 2555 of the Civil Code, according to which a maintenance agreement must be concluded in authenticated form, failing which it is absolutely null and void.

*The issues forming the subject matter of these case files are, or may be, connected to the question of whether or not there is a person having the status of legal representative of the elderly person. These aspects were also taken into account, inter alia, in the 2025 Report of the Judicial Inspection concerning the assessment of the impact of Law No. 140/2022 on certain protective measures for persons with intellectual and psychosocial disabilities and amending and supplementing certain legal acts, a report which analyses, among other things, the possibilities of protection *lato sensu* (judicial counselling, special guardianship, the institution of assistance for the conclusion of legal acts as a distinct form of support without restricting legal capacity, and the protection mandate). The law establishes the National Register recording support and protection measures ordered by public notaries and guardianship courts, maintained by the National Union of Public Notaries of Romania. The main purpose of the Register is to record support or protection measures ordered in respect of natural persons, serving primarily as a tool available to public notaries and guardianship courts in order to determine whether or not a person requesting the conclusion of a legal act is subject to such a measure, while also ensuring the enforceability of the measure against third parties.*<sup>2</sup>

### **NPM Monitoring - Residential Care Homes for Elderly Persons**

By ratifying the Optional Protocol of 18 December 2002 to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), Romania undertook the obligation to establish the National Preventive Mechanism against Torture in Places of Detention (NPM). Accordingly, in 2014, through Emergency Ordinance No. 48, it was established that the People's Advocate institution, through the Field for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Places of Detention, would exercise the specific duties of the National Preventive Mechanism.

The NPM exercises a preventive mandate aimed at identifying situations involving a potential risk of ill-treatment and strengthening the protection of persons deprived of liberty against ill-treatment and the non-discriminatory exercise of fundamental rights.

The activity of the NPM consists primarily of carrying out monitoring visits to places of detention and formulating recommendations addressed to the management of the places visited and to hierarchically superior authorities, submitting proposals for legislative amendments, as well as conducting activities aimed at promoting the NPM mandate and providing professional training to staff working in places of detention (during which good practices and risk situations affecting persons deprived of liberty may also be identified).

Among the places of detention monitored by the NPM are also residential centres for elderly persons, having regard to the following legal provisions:

- Article 34(1) of Law No. 35/1997, republished (respectively, Article 4 of OPCAT), which define the terms: place of detention (*any place in which persons are deprived of their liberty pursuant to a decision of an authority, at its request or with its express or tacit consent*) and deprivation of liberty (*the existence of a decision by a judicial, administrative or other authority, or a request made with the express or tacit consent of the authority*);

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<sup>2</sup> <https://inspectiajudiciara.ro/posts/504>

- Article 34(3)(j) of Law No. 35/1997, republished (*for the purposes of this law, places of detention or, as the case may be, places where the People's Advocate institution exercises its duties concerning the prevention of torture [...] include any other place meeting the conditions provided for in paragraph (1) or forming part of the healthcare system or the social assistance system*);

- Government Decision No. 797/2017 approving the framework regulations for the organisation and functioning of public social assistance services and the indicative staffing structure, according to which local public authorities are obliged to communicate or, as the case may be, make available to institutions with responsibilities regarding the prevention of torture the information requested and to provide support for the carrying out of monitoring visits, in accordance with the law.

Below, we present: the legislation governing the operation of nursing homes for elderly persons; statistics regarding NPM visits during the period 2025–2026; the main findings resulting from monitoring visits (as well as awareness-raising activities); and problematic situations identified.

### **Legislation governing the operation of nursing homes for elderly persons**

Law No. 292/2011 on Social Assistance, as subsequently amended and supplemented; Law No. 17/2000 on Social Assistance for Elderly Persons, republished, as subsequently amended and supplemented; Order No. 29/2019 approving the specific mandatory minimum quality standards for social services intended for elderly persons, homeless persons, young people leaving the child protection system and other categories of vulnerable adults, as well as for community-based services, integrated services and social canteens – Annex No. 1; and other relevant legal provisions applicable in the field.

### **NPM Visits Conducted During 2025–2026**

In 2025, 14 visits were carried out in nursing homes for elderly persons. The 2026 Visits Plan includes 13 planned visits, of which 5 visits had already been carried out during the period January–April 2026. The visits are unannounced, and some of them are follow-up visits aimed at verifying the implementation of NPM recommendations.

The main objectives pursued during NPM monitoring visits concern the living conditions provided to beneficiaries and the treatment afforded to them (legal<sup>3</sup>, medical, psychological and social assistance).

**Main Findings** (resulting both from monitoring visits and from awareness-raising activities carried out in nursing homes for elderly persons)

### **Examples of Good Practices**

In several centres visited, a comprehensive approach to beneficiaries' needs was identified (social, psychological and medical assistance), together with their involvement in various activities (recreational activities, occupational therapy, physiotherapy, etc.); the main objective was to provide beneficiaries with living conditions as close as possible to a family environment.

- at the Filadelfia Nursing Home, Sighișoara, Mureș County, there was a clear concern for ensuring beneficiaries' access to all levels of the building and to outdoor areas under conditions that were as easy and safe as possible, both for elderly persons and for staff members; a wide range of assistive devices was available: a sufficient number of wheelchairs, walking

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<sup>3</sup> Information is also requested regarding beneficiaries who are subject to a protection measure – namely, those who have a guardian/curator appointed under Law No. 140/2022; in the case of persons placed under interdiction under the previous legislation, it is verified whether an ex officio assessment of their situation has been ordered pursuant to the aforementioned law.

frames, crutches and walking canes, stair-climbing devices/tracked stair lifts, an elevator, including a special bathing bed for bedridden persons; panic buttons were available both in fixed form (next to the bed and toilet) and in mobile form, allowing beneficiaries to carry them with them; when activated, a message would appear on a special electronic device located in the nurses' office;

- the "Sfânta Maria" Nursing Home for Elderly Persons in Unirea, Călărași County, benefited from two spacious, well-maintained and clean courtyards equipped with a gazebo, a barbecue area and several swings.

- beneficiaries of the Ideciu de Jos Nursing Home for Elderly Persons, Mureș County, participated in a wide range of recreational/socialisation/occupational therapy activities, such as activities promoting books and encouraging reading among residents; they were involved in household activities and participated in occasional outings to the local saltwater spa, excursions, boat trips on Lake Bicaz etc.;

- during the visit carried out at the Casa Ilinca Nursing Home for Elderly Persons, the NPM team found that all female beneficiaries were mobilised; at the time of the visit, they were in the living room on the ground floor, sitting on sofas, at tables or moving with walking frames, encouraged and assisted by staff members who were dedicated to their work. This represents an example of good practice for other similar facilities, as the mobilisation of elderly persons is essential for maintaining their physical, mental and emotional health.

#### Deficiencies Identified

Systemic deficiencies identified during NPM visits include insufficient staffing levels (across all staff categories) and inadequate staff training.

As regards staff shortages, the main reason invoked concerns the legal provisions suspending recruitment through competitions or examinations for vacant positions within public institutions and authorities. In this context, an alarming issue is staff overload, as the high volume of activities, in relation to their complexity and the number of employees, may lead to burnout caused by overburdening the existing staff.

The centres did not organise training courses/instruction sessions for staff regarding the rights of persons with disabilities provided for in the Convention on the Rights of Persons with Disabilities.

Furthermore, staff members (medical and non-medical) had not participated in in-person first aid training courses, preferably on an annual basis, given the particularly high vulnerability of these categories of persons. An important example in this regard is the increased risk of choking on food.

In many of the places visited, the provisions of Law No. 448/2006 on the protection and promotion of the rights of persons with disabilities were not complied with in terms of ensuring accessibility for persons with mobility disabilities (absence of lifting devices or elevators for wheelchairs or mobile beds, handrails, accessible sanitary facilities, etc.).

#### Other Deficiencies Encountered

► inadequate accommodation conditions: • overcrowding (at the "Lummy House Senior Home" Nursing Home in Pantelimon, Ilfov County, 22 persons were accommodated although the legal capacity was 18 places); • rooms were not personalised in order to create an environment as close as possible to a family setting; • privacy was not ensured in sanitary facilities/showers (at the Ideciu de Jos Nursing Home for Elderly Persons, Mureș County, in one of the shower rooms in Pavilion 2, the glazed window surface facing the courtyard was not fitted with an obscuring device, and the shower units had no curtains, causing discomfort due to the lack of privacy for beneficiaries bathing in that room); • insufficient or absent storage spaces for beneficiaries' personal belongings; • insufficient number of bathrooms and toilets in relation to the number of beneficiaries; • old and deteriorated furniture; • mattresses unsuitable for beneficiaries' rest; • lack of a varied menu and failure to prepare separate menus according

to comorbidities; • beneficiaries with mobility impairments accommodated on upper floors had no physical possibility of going outside into the courtyard, their only options in this regard being limited to the outdoor terraces of the pavilions; • privacy screens were not used to ensure the privacy of beneficiaries with pressure sores while their bandages were being changed;

▶ no functional recovery and rehabilitation activities/services or qualified staff for such services were identified; beneficiaries were not involved in socialisation and recreational activities;

▶ psychological counselling was not provided to beneficiaries, especially during the adjustment period following admission to the centre, and the psychologist's office was not methodologically equipped with licensed working tools;

▶ the Individualised Assistance and Care Plan was not signed by all members of the multidisciplinary team who had participated in the assessment/reassessment and proposed measures or activities aimed at improving the beneficiary's situation; furthermore, the files contained documents that were not signed by the beneficiary or their legal representative – assessment/reassessment forms;

▶ there was no properly equipped medical rehabilitation room, although medical rehabilitation and physiotherapy services should be carried out using equipment specifically suited to the beneficiaries' medical conditions, as recommended by specialist physicians.

The NPM recommendations aimed at improving the living conditions provided to elderly beneficiaries have, for the most part, been implemented.

For example, at the Residential Centre within the “Alexandru Marghiloman” Complex of Services for Elderly Persons in Buzău, where there were dormitory rooms that did not provide the mandatory minimum space of 6 square metres per person and where the number of bathrooms and toilets was insufficient in relation to the number of beneficiaries, following the NPM visit and based on a report submitted by the management of the complex, the Mayor of Buzău Municipality approved the reduction of the centre's accommodation capacity in order to ensure that each beneficiary would have personal accommodation space suited to their individual needs. Approval was also granted for repair, whitewashing and painting works in the kitchen areas, and steps were taken to install handrail systems in corridors and in areas frequently used by beneficiaries.

Likewise, at the Ideciu de Jos Nursing Home for Elderly Persons, Mureş County, where there was no clear record of beneficiaries with swallowing disorders and no procedure in place for handling such cases, despite the existence of several beneficiaries with these conditions, the situation was remedied following the NPM recommendations: a nominal register of beneficiaries with swallowing disorders was drawn up, and an internal procedure for serving food was established, including portioning, blending and active supervision measures.

### **Problematic Issues Reported by Nursing Home Representatives/Identified by the NPM. Steps Taken by the NPM. Responses from Authorities**

#### **1. Care provided to adults with disabilities and elderly persons in facilities in Argeş County that were not re-licensed following the inspections carried out after the media scandal concerning the “horror nursing homes”<sup>4</sup> or that were established subsequently**

During awareness-raising and staff training activities, representatives of the Premier Care Pucioasa Nursing Home brought this situation to the attention of the NPM representatives,

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<sup>4</sup>The centres stated that they were closing down, while AJPIS did not verify whether they had in fact ceased operating.

stating that, in order to avoid inspections by state authorities (AJPIS, ANPC etc.), the following practices were allegedly being used:

- either rooms are rented to elderly persons/persons with disabilities (recently, increasingly through Airbnb-type arrangements), with a lease agreement being concluded and home medical care services being provided (there are allegedly hundreds of such situations);
- or the respective facilities operate under CAEN Code 8710 – residential nursing care activities, which, in order to operate, require only authorisation from the Public Health Directorate (DSP).

Some relatives resort to these options for their family members because they are considerably cheaper (approximately RON 2,000/month) compared to licensed private social services (where prices may range from RON 5,000 to RON 8,000, and even exceed RON 10,000).

In these facilities, the care provided to beneficiaries is inadequate, particularly medical assistance; the NPM team was shown photographs of beneficiaries brought by relatives from such facilities, including beneficiaries suffering from scabies, severe pressure sores and severe underweight conditions (30 kg).

NPM actions: notification of the National Agency for Payments and Social Inspection (ANPIS), requesting information regarding the above-mentioned situations, taking into account that on 9 December 2025, Emergency Ordinance No. 70 of 5 December 2025 amending and supplementing certain normative acts in the field of social assistance entered into force, introducing paragraph (5) into Article 37 of the Social Assistance Law No. 292/2011, as subsequently amended and supplemented, according to which: *Natural persons who conclude contracts [...] for the purpose of accommodating or, as the case may be, caring for and maintaining an elderly person, as well as informal caregivers, do not have the status of social service providers and are subject to monitoring under the conditions set out in Article 35 of the aforementioned law*<sup>5</sup>.

Response of the Argeş County Agency for Payments and Social Inspection (AJPIS Argeş):

- 16 private centres providing services for elderly persons, registered with AJPIS Argeş, changed their object of activity and currently operate under CAEN codes that are not included in the Nomenclature of Social Services approved by Government Decision No. 867/2015 (namely 8690 “Other human health activities”, 5590 “Other accommodation services”, and others), and AJPIS Argeş does not hold information regarding the exact number of elderly persons and persons with disabilities accommodated in these centres, since their activity no longer falls within the competence of AJPIS Argeş;

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(1) A natural person may conclude lease/loan-for-use agreements for accommodation purposes or agreements for the maintenance and care referred to in Article 30(2), with no more than one elderly person/one elderly couple, except for family members or relatives up to and including the fourth degree.

(2) Contracts concluded in breach of the condition set out in paragraph (1) shall be subject to the provisions of Article 1,247 of Law No. 287/2009 regarding the Civil Code, republished, as subsequently amended and supplemented.

(3) The public social assistance service and the territorial agency for payments and social inspection are required to investigate any report concerning elderly persons accommodated by natural persons for the purpose of maintenance and care.

(4) Where, following the investigations referred to in paragraph (3), situations provided for in Article 5(3) of Government Emergency Ordinance No. 82/2016 approving the Special Statute of the specific public office of social inspector and amending and supplementing certain normative acts, approved by Law No. 16/2018, as subsequently amended and supplemented, are identified, social inspectors are required to notify the criminal investigation authorities.

- 30 centres changed their object of activity to CAEN Code 8710 CRMS-I – residential medico-social centres; no information is available regarding the number of persons accommodated in these centres, since most of them are not licensed;

- social services operating under CAEN Code 8710 – nursing care centres are no longer licensed by the Ministry of Labour, Family, Youth and Social Solidarity through AJPIS; they operate on the basis of authorisation issued by the Public Health Directorate (DSP);

- in order to comply with the principle of complementarity and the integrated approach, in such situations AJPIS only verifies the normative acts governing the operation of these services and/or the quality assurance of the services provided, in accordance with Article 38 (5) and (6) of the Social Assistance Law No. 292/2011;

- with regard to the provisions of Emergency Ordinance No. 70/2025 (control obligations) invoked by the NPM, by the date of the response no reports had been registered with AJPIS Argeş concerning elderly persons accommodated by natural persons for the purpose of care and maintenance, within the meaning of Article 37 (5) of the Social Assistance Law No. 292/2011, as subsequently amended and supplemented.

\* This practice is becoming increasingly widespread nationwide; a similar situation was also identified during a follow-up visit carried out by an NPM team at the IACOBCARE Senior Center, Dragomirești Vale Commune, Ilfov County – the centre had obtained sanitary operating authorisation from DSP Ilfov and was about to become a nursing care centre.

## **2. Deficient cooperation between nursing homes for elderly persons and certain hospital units, extending in some cases to the refusal of institutionalised elderly persons, especially those with mental health conditions, to receive timely and adequate medical assistance, situations which constitute a serious violation of the right to health protection (as they may lead to deterioration of health and even endanger life), and which represent a severe form of discrimination and institutional neglect**

- during the visit carried out at the Casa Ilinca Nursing Home for Elderly Persons in Săcele, Braşov County (private centre), a number of situations were reported: • difficulties encountered in cooperation with hospital units (Braşov Maternity Hospital, Stejăriş Tuberculosis Hospital), both in relation to consultations and in cases where hospitalisation was required or during hospitalisation, as well as the reluctance of medical staff towards persons with mental disabilities (dementia); • severe pressure sores suffered by a beneficiary following admission to the Braşov County Clinical Emergency Hospital for urgent surgery (limb amputation), the beneficiary subsequently dying of septicaemia; • mention was also made of a beneficiary who contracted tuberculosis during hospitalisation at the Braşov County Clinical Emergency Hospital, as well as the need for the centre or relatives to send medication or care staff for beneficiaries during hospitalisation (situations which created additional logistical difficulties for the centre and family members);

- representatives of the Filadelfia Nursing Home within the Diakonia Christian Foundation, Sighișoara, Mureş County, reported to the NPM team the improper handling of a beneficiary, resulting in injury, during transport by a SMURD emergency crew from the centre to the County Clinical Emergency Hospital in Târgu Mureş or during hospitalisation (aspects which were communicated by the management of the centre to the beneficiary's family);

NPM recommendation: the conclusion of protocols with hospital units in order to avoid difficulties relating to the transfer of beneficiaries for investigations or medical emergencies, continuity of care, and access to specialised medical expertise.

## **3. The absence of a psychiatry department within emergency hospitals, as well as the absence of psychiatry departments in certain provincial towns or even entire counties,**

**situations which prevent rapid psychiatric assistance in emergency cases, the treatment of persons with mental disorders close to their place of residence, and which may affect rapid intervention in the case of institutionalised elderly persons with mental disabilities**

Examples:

- during the monitoring activity carried out at the Psychiatry Department of the Sighetu Marmăției Municipal Hospital, Maramureș County (within the Working Group established at the level of the People's Advocate institution regarding the situation of involuntary hospitalisations of persons with mental disabilities/mental disorders in Romania), the NPM team witnessed the admission of a patient brought by ambulance from a hospital in a neighbouring county, where no psychiatry department existed; the reason why the patient was admitted to the Sighet Hospital, located approximately 80 km from her place of residence, was not the patient's state of self-harm or aggression towards others (which would have required emergency admission, especially to the psychiatry department in Sighet, where involuntary hospitalisation was possible), but rather the impossibility of carrying out a psychiatric evaluation in the patient's town of residence, since the hospital from which she had been transferred did not have a psychiatry department;
- likewise, during the awareness-raising activity carried out in January 2026 at the Filadelfia Nursing Home within the Diakonia Christian Foundation, Sighișoara, Mureș County, the absence of a psychiatry department within the Sighișoara Municipal Hospital was reported (a department which had existed until approximately 10 years earlier, when the hospital was reorganised and had 10 beds), the nearest psychiatry department currently being located in Târgu Mureș; a psychiatrist was employed within the hospital outpatient clinic, but it was considered necessary for psychiatric assistance to be provided on a permanent basis, especially when needed in the Emergency Admissions Unit (UPU) of the hospital;

NPM proposals/recommendations: the NPM team considers it imperative to identify a possibility for psychiatric evaluation of patients within a psychiatric unit located in the locality or vicinity of their place of residence, within a psychiatry department; in the absence of such a department, cooperation protocols may be concluded with psychiatrists (from outpatient clinics or individual practices); especially considering that, where a patient refuses transport, police authorities are called upon.

- regarding the recommendation to analyse the possibility of creating, within the Emergency Admissions Units of county/municipal hospitals, a mini-psychiatry department operating on a permanent basis, in order to allow psychiatric emergencies to be assessed at any time by a multidisciplinary team including a psychiatrist, following the NPM visit carried out at the "Dr. Constantin Andreoiu" County Emergency Hospital in Ploiești and the recommendation issued, the Prahova County Council communicated that it had analysed the need to reorganise activities by establishing within the Emergency Admissions Unit of the "Dr. Constantin Andreoiu" County Emergency Hospital in Ploiești a mini-psychiatry department/team operating permanently, and proposed the period October 2025 - March 2026 as the implementation timetable.

**4. Social cases in psychiatry hospitals/departments, including elderly persons, and the lack of alternative care solutions in residential facilities or within the community**

During NPM visits to psychiatry departments/hospitals and psychiatry hospitals for safety measures, the existence of a varying number of patients classified as social cases was identified; some of these patients had been hospitalised for decades and had their registered residence at the medical facility itself (at the "Sfânta Maria" Psychiatry Hospital in Vedeia, Argeș County, 23 patients represented social cases, two brothers having been hospitalised for

more than 20 years); the presence of social cases constitutes a significant cause of overcrowding.

Most patients, however, could not be discharged, although there were no longer medical reasons requiring hospitalisation, since there were no effective solutions for discharge to home care or transfer to residential social assistance facilities.

In general, hospital social workers had undertaken steps to identify solutions in this regard; they reported to the NPM representatives deficient cooperation with the Public Social Assistance Services within mayoralties and the General Directorates for Social Assistance and Child Protection, considering that, through their responses, these authorities *discriminate against and stigmatise* persons with mental disabilities (they do not provide community social services, all places are occupied, they are undergoing restructuring processes, or they do not accept into residential centres persons with a criminal record).

Representatives of the hospitals also stated that the provisions of Law No. 7/2023<sup>6</sup> constitute a genuine problem, as the authorities to which they had addressed requests recommended that they ask the Local Council to establish a medico-social centre, since, under this law, local public administration authorities may establish, organise, administer and finance intercommunity social services for adults with disabilities, in association with other local public administration authorities or with other private providers of social services accredited in accordance with the law (Article 30).

### **Case study - practices that undermine the dignity of beneficiaries and may amount to inhuman and degrading treatment**

During the awareness-raising activity carried out at the Casa Ilinca Nursing Home for Elderly Persons in Săcele, Braşov County (private centre), serious irregularities were reported, which led to the carrying out of a monitoring visit, during which practices were identified that undermine the dignity of beneficiaries and may amount to inhuman and degrading treatment.

Findings:

- after the admission of beneficiaries, elderly persons with dementia, the management of the centre requested that relatives initiate proceedings for the establishment of a protection measure, namely the appointment of a guardian; civil judgments establishing guardianship had been issued for 10 beneficiaries, applications had been filed with the Braşov Court for 7 beneficiaries, and one beneficiary was undergoing assessment;
- the centre's capacity had been exceeded, which resulted in one beneficiary being accommodated in an improvised camp-style bed placed between the two beds in a room on the upper floor; the arrangement of the three beds was shown to the NPM team, which found that there was no space between them;
- by their configuration, most of the beneficiaries' beds gave the impression of "boxes"/"coffins", significantly limiting the beneficiaries' field of vision, as they were unable to look sideways and could only look upwards; during the night, the side rails were raised and secured so that they could not be moved or lowered by the beneficiaries;
- all beneficiaries were fitted with absorbent diapers, although not all suffered from urinary incontinence, according to the information provided by the staff, and protective underpads were placed both on the beds and on the beneficiaries' pillows;

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<sup>6</sup> At present, Romania is undergoing a broad process of deinstitutionalisation and community integration of persons with disabilities at national, county and local level. The problem is that a system of community psychiatry has not been developed.

Furthermore, Law No. 7/2023 (Article 9) establishes objectives such as:

- by 30 June 2026, the percentage of institutionalised adults with disabilities is to be reduced by 32% of the total number of persons accommodated within the residential system at the end of 2020;
- during the period 1 July 2026 - 31 December 2030, the percentage of institutionalised adults with disabilities is to be reduced by 10% of the total number of persons accommodated within the residential system as of 30 June 2026.

- a process of standardisation and depersonalisation of the beneficiaries was identified, both in terms of physical appearance and clothing, as well as regarding the beneficiaries' rooms, all beneficiaries wore the same types of trousers and hoodies and had short haircuts; during mealtimes, the staff used improvised plastic protective coverings ("bibs") placed over the beneficiaries' day clothes under the pretext of preventing stains, an infantilising and degrading practice that undermines the beneficiaries' dignity and creates a profound sense of inferiority and marginalisation; the beneficiaries' wardrobes and bedside tables were almost empty, containing safes for valuables, underpads and absorbent diapers, an oxygen device and folded chairs; none of the beneficiaries possessed personal accessories or jewellery such as earrings, rings, wedding bands, etc. (these being prohibited upon admission to the nursing home); even toothbrushes were not personalised;

- beneficiaries were photographed every time they took a shower and/or while eating meals, including photographs showing empty plates (the photographs were sent by staff to the management of the centre, which then forwarded them to relatives);

- surveillance cameras were installed both in all beneficiaries' rooms and in the sanitary facilities of the two ground-floor rooms where all beneficiaries were washed; a surveillance camera had even been installed in the staff changing room;

- beneficiaries were not allowed to leave the socialisation/dining room until the end of the day, after dinner had been served, having previously been changed into pyjamas (there was no daytime rest or sleep schedule);

- there was no dedicated space within the centre for carrying out activities such as medical, psychological and social assistance and, consequently, the necessary equipment was also lacking (including for physiotherapy activities), nor was confidentiality ensured for such activities;

- the complaints/suggestions box was unsuitable for its intended purpose and could not be distinguished from any other box; it was located in the day room, inside a cupboard, and beneficiaries had no possibility of using it under confidential conditions, given that video surveillance covered the entire room (5 surveillance cameras were installed);

- regarding the beneficiaries' contact with family and their support network:

- beneficiaries were prohibited from having access to their personal mobile phones, the only means of communication being for family members to call a mobile phone belonging to the nursing home; during the NPM visit, several beneficiaries expressed the need for broader access to communication means, especially telephone access, in order to maintain contact with their families; telephone conversations took place under the permanent supervision of staff;

- regarding visits, the Internal Rules of the nursing home stated that visiting day was Monday, between 10:00-12:30 and 15:00-17:30, based on appointments which relatives received by message on Saturday or Sunday<sup>7</sup>; visits lasted a maximum of 30 minutes; there was no dedicated visiting room, visits took place in the socialisation room, which also served as the dining room ("a table would be cleared", as one beneficiary told the NPM team), or outside, weather permitting; access to the beneficiary's room was allowed only if the beneficiary was in the terminal stage;

A random review of beneficiaries' files revealed restrictions on visitors' access. Specifically, a relative of one beneficiary was prevented from visiting because they were not included on the list approved by the next of kin. According to statements made by the management of the centre, the selection of visitors belonged exclusively to relatives, while the residents themselves were not consulted.<sup>8</sup>

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<sup>7</sup> Annex No. 1, Standard M.III.-S4.4 of Order No. 29/2019 establishes the obligation of nursing homes for elderly persons to encourage and support beneficiaries in maintaining relationships with family and friends, providing that *family members and friends may visit beneficiaries at any time between 08:00 and 20:00. The centre shall provide visitors with a specially designated space so as not to disturb other beneficiaries.*

<sup>8</sup> The NPM representatives consider that this practice violates the beneficiaries' fundamental right to maintain personal relationships with family and friends, transforming the centre into a restrictive environment that

#### NPM actions following the visit:

- correspondence with Mr Martin Zinkler, psychiatrist, member of the SPT and responsible for liaison with the Romanian NPM, regarding the issues identified, in particular the prohibition on access to personal mobile phones and the restriction of visits;
- formulation of recommendations addressed to the nursing home within the visit report drawn up;
- notification of the National Agency for Payments and Social Inspection (ANPIS) and of the Ministry of Labour, Family, Youth and Social Solidarity (MM) regarding the findings and recommendations made, in order to analyse the situation and order the necessary legal measures.

#### Responses from authorities:

The Casa Ilinca Nursing Home for Elderly Persons and the Ministry of Labour, Family, Youth and Social Solidarity had not yet communicated a response.

#### ANPIS response:

AJPIS Braşov (to which ANPIS redirected the NPM communication) carried out an inspection mission at the nursing home during the period 21-29 April 2026, following the communication of the NPM report to the nursing home.

According to the response communicated, changes had been implemented within the centre in order to ensure respect for the beneficiaries' dignity and rights, for example: • beneficiaries were allowed to use their own clothing and footwear, which were stored in wardrobes; • in the bathrooms attached to the bedrooms there were two toothbrushes bearing the names of the beneficiaries accommodated in the respective room; • the complaints/suggestions box had been relocated to the ground floor of the building, in an accessible area not covered by video surveillance; • the beneficiaries' daily activity schedule also included a rest period; • the centre provided visitors with a specially designated visiting area, and visiting hours had been set between 08:00 and 20:00; • staff participated in an information session on the topic "awareness of forms of abuse and neglect, prevention and combating thereof" etc.

However, the response does not provide details regarding the implementation of certain NPM recommendations (for example, it is stated that the beneficiaries' bedrooms/rooms had been arranged so as to ensure a comfortable environment adapted to the beneficiaries' needs, without specifying whether the beds had been replaced, the rooms personalised, the colour scheme modified, etc.; no information is provided regarding the involvement of beneficiaries in determining social contacts, the discontinuation of photographing beneficiaries during moments of maximum vulnerability and other NPM recommendations, or the restriction of visits; likewise, the response does not specify the 4 remedial measures ordered by the AJPIS Braşov team, together with their implementation deadlines).

Furthermore, the ANPIS response concerning the prohibition on access to personal mobile phones, which justified the decision of the centre's management on the grounds that the beneficiaries had mental disabilities (in fact, the entire response is based primarily on the status of the beneficiaries as elderly persons with mental disabilities, lacking discernment and allegedly unable to be involved in decisions concerning them), while mentioning that the centre

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disregards the will and autonomy of the assisted person. Even in cases where beneficiaries have a legal representative, their own wishes must prevail in determining social contacts. Limiting visits exclusively to persons approved by representatives, without consulting the residents themselves, amounts to a complete substitution of the person's will, contrary to the principles of dignity and self-determination. The existence of a legal representative does not extinguish the beneficiary's right to express their wishes regarding essential aspects of private life. In this respect, each case must be assessed individually, including the wishes of the beneficiary, and any restriction must be justified by well-founded medical or safety reasons, and not by the mere decision, which may be arbitrary, of third parties.

provides them with access to a landline telephone, mobile phone and even e-mail, is considered unsatisfactory by the NPM team, also in light of the correspondence exchanged with the SPT representative on this matter.<sup>9</sup>

Additional NPM actions

- further communication addressed to ANPIS regarding the issues that were not addressed in the response and which constitute inhuman and degrading treatment, as well as a request to specify the 4 remedial measures ordered by AJPIS Braşov;

- a new notification addressed to the Ministry of Labour, Family, Youth and Social Solidarity regarding the NPM recommendations for which no response was received from ANPIS or where the response was considered unsatisfactory, to which the ANPIS response will be attached.

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<sup>9</sup> The SPT representative considers that the use of mobile phones is a fundamental means of communication, and that restricting their use violates Article 9 of the Convention on the Rights of Persons with Disabilities (CRPD), which provides for improving access to communication and the internet for persons with disabilities. In addition, interference with communication violates Articles 12 (equal recognition before the law) and 22 (respect for privacy) of the CRPD. The SPT representative also considers that there is no reason or justification for restricting the use of mobile phones by persons with dementia. The restriction of visits is likewise regarded by the SPT representative as a discriminatory practice and a violation of the CRPD.

## Annex – Case summaries

### I. Unlicensed social services

**Case Files No. 22869/2025 and No. 20695/2025** The People’s Advocate initiated an own-initiative inquiry following the publication of several press articles presenting the situation of the more than 300 beneficiaries under the care of a private individual who had transformed his homes in Bihor County into illegal care homes, providing unlicensed social services.

Reports broadcast by the television channel Digi24 in July 2025 presented the case of a private individual from Bihor County, who was sheltering more than 300 persons suffering from illnesses, disabilities or abandonment by their families and State institutions in his homes. Although the activity operated in practice as a genuine residential care home, it was neither authorised nor legally licensed as a social service. The press reports indicated that hospitals, DGASPCs and even police authorities were constantly referring patients to him, while the authorities had been aware of the situation since 2024.

In Case File No. 20695/03.07.2025, the People’s Advocate initiated an own-initiative inquiry after the press reported the situation of patients with neuropsychiatric disorders who had been placed in the care of a private individual. Dissatisfied that DGASPC Mehedinți had not transmitted the patients’ files, he attempted to return the patients and consequently transported seven patients with severe mental disorders from Bihor County to Mehedinți County (a distance of more than 400 km, taking approximately six hours), during an extreme heatwave, leaving them for several hours in the sun in front of the General Directorate for Social Assistance and Child Protection of Mehedinți County, thereby exposing them to serious risks to their health and safety.

In order to examine these own-initiative inquiries, the People’s Advocate ordered two investigations: one at the General Directorate for Social Assistance and Child Protection of Mehedinți County (DGASPC Mehedinți) and another at the Drobeta Turnu Severin County Emergency Hospital. Subsequently, the actions continued in writing with the Ministry of Health, the Ministry of Labour, the Drobeta Turnu Severin County Emergency Hospital, the General Directorate for Social Assistance and Child Protection of Mehedinți County, the Mehedinți County Police Inspectorate, the “Mina Minovici” National Institute of Forensic Medicine and the Mehedinți County Ambulance Service.

#### **Findings and conclusions of the People’s Advocate**

**1. The discharge of patients diagnosed with “severe mental retardation” from the Psychiatry Department of the Drobeta Turnu Severin County Emergency Hospital, Mehedinți County, was carried out without any legal basis, the patients having been entrusted to a private individual who had not been legally appointed.**

Mental retardation in adults may be classified as mild (IQ 50-70), moderate (IQ between 35 and 55), severe (IQ between 20 and 40) and profound (below 20). Only in cases of mild and moderate mental retardation is an assessment of decision-making capacity mandatory, since between 18% and 68% of persons with mild mental retardation and between 4% and 34% of those with moderate mental retardation are capable of providing an acceptable level of informed consent for participation in clinical studies, the percentage likely being significantly higher where the decisions to be taken concern diagnosis or treatment.

**Therefore, in the case of patients with severe and profound mental retardation, the issue of discernment does not arise. If a patient has a severe intellectual disability documented by medical records, it is unlikely that they are capable of making decisions regarding a possible discharge.** If the intellectual disability were only moderate, the patient might have had the discernment necessary to consent to discharge.

It is true that, in the case of adults, the presumption of capacity to consent applies; however, this presumption no longer applies where the person has been placed under interdiction/special guardianship, but also **where there is objective medical evidence** attesting to the lack of discernment in relation to the act that the person is required to sign. In view of the diagnoses of the 12 patients discharged from the Gura Văii Chronic Psychiatry Section, **we consider that the discharge of patients diagnosed with “severe mental retardation” was carried out without any legal basis.** At the same time, the discharge was carried out by entrusting these patients to a private individual **who had not been legally appointed, a person completely unknown to them, and to a location unfamiliar to them.**

In the case of these patients, an assessment should have been carried out in order to determine their discernment and **a legal representative should have been appointed so that their interests could genuinely be represented and their rights respected.**

Furthermore, the medical unit maintains that the discharge of patients diagnosed with severe mental retardation was carried out in accordance with the Patient Discharge Procedure PO-MED 24, registered under No. 44 of 23 December 2022. However, **this procedure does not incorporate the legislation in force regarding mental health and the protection of persons with mental disorders,** while the discharge conditions applied to the 12 patients do not appear to fall within any of the categories of discharge regulated at hospital level.

**2. The 12 patients diagnosed with “severe mental retardation” were discharged and transferred/relocated without procedures and without the legally required consents to a private location in Bihor County that is not authorised to provide social or medico-social services, as well as into the care of a private individual who had not been legally appointed.**

The People’s Advocate considered this to be an extremely serious situation, involving a practice that is incompatible with the legal framework in force, in circumstances where a **medical unit transferred persons with severe mental disabilities to an unidentified and unauthorised private individual, unknown to the patients and without their consent.** The management of the Drobeta Turnu Severin County Emergency Hospital concluded an agreement with a private individual rather than with an association authorised for such activities.

The conclusion of this agreement with a private individual is contrary to Article 5 of the Implementing Rules of the Mental Health Law and the Protection of Persons with Mental Disorders No. 487/2002, approved by Order of the Minister of Health No. 488/2016.

More specifically, persons with severe intellectual disabilities were transferred to Bihor County into the care of a private individual, although the patients lacked legal protection and had not benefited from personalised social intervention, these persons being effectively entrusted to someone unknown to them and lacking legal authorisation to provide social services.

**3. DGASPC Mehedinți had been aware of the situation of these persons with disabilities,** hospitalised in the Gura Văii Chronic Psychiatry Section, **since 2014,** having been repeatedly informed of the need to identify adequate care solutions for patients considered social cases, who no longer required hospitalisation; however, **the authority failed to take the necessary steps to identify available places in specialised centres under its authority or in other residential centres specialised in providing assistance and care for persons with disabilities.**

The persons discharged from the Psychiatry Section no longer required hospitalisation within the medical unit, but rather placement in specialised medico-social centres. However, **DGASPC Mehedinți failed to identify solutions,** although the medical unit had requested support in this regard. **Available places appeared only after the case of these patients received media attention, despite the fact that only a few days earlier (on 28 May 2025), the hospital had been informed by DGASPC Mehedinți (Letter No. 11810/28.05.2025) that no such places were available,** leaving it to the hospital to identify solutions for

accommodating these persons. Moreover, following the actions undertaken by the People's Advocate with the Ministry of Labour, Family, Youth and Social Solidarity, we were informed, by Letter No. 26147 of 18 August 2025, that **on 07.07.2025**, according to the records concerning available places in residential centres for adults with disabilities, DGASPC Mehedinți had **32 vacant places**.

In this context, we consider that **DGASPC Mehedinți failed to act in order to ensure compliance with the rights of adults with disabilities, in accordance with Law No. 448/2006 on the protection and promotion of the rights of persons with disabilities, republished.**

**4. Following the actions undertaken, the People's Advocate found that patients in the same situation remain hospitalised within the Drobeta Turnu Severin County Emergency Hospital, some of them having been admitted to the Psychiatry Section for more than 20 years, without relatives, without identity documents and without disability classification certificates.**

**5. Since 2024, the Ministry of Labour had been aware of the situation in Bihor County, where a private individual was caring for more than 300 beneficiaries, yet it considered that the county authorities had fulfilled their legal duties.**

As a result of the problems identified, the People's Advocate issued Recommendation No. 205 of 24 October 2025, addressed to the Drobeta Turnu Severin County Emergency Hospital, Mehedinți County, the General Directorate for Social Assistance and Child Protection of Mehedinți County, the Ministry of Labour, Family, Youth and Social Solidarity, and the Ministry of Health.

Among other things, the People's Advocate requested the Drobeta Turnu Severin County Emergency Hospital, Mehedinți County, to review and update its internal patient discharge procedure (PO-MED 24, registered under No. 44 of 23 December 2022), so that it would expressly incorporate the provisions of Mental Health Law No. 487/2002 and of Order of the Minister of Health No. 488/2016 approving the Implementing Rules of the Mental Health Law and the Protection of Persons with Mental Disorders No. 487/2002.

The medical unit accepted Recommendation No. 205/2025 and informed the People's Advocate that a new Procedure regarding the discharge of patients with mental disorders, PO-MED 38, had been drafted in accordance with the provisions of Law No. 487/2002. The updated procedure is currently operational and has been communicated to the medical and non-medical staff involved in handling such situations.

The People's Advocate requested the General Directorate for Social Assistance and Child Protection of Mehedinți County, inter alia, to undertake immediate and systematic actions aimed at identifying available places in residential centres or other authorised structures nationwide for all adults with disabilities who no longer require hospitalisation, in order to avoid situations in which patients remain unjustifiably hospitalised for prolonged periods or are discharged into the care of unauthorised persons.

The General Directorate for Social Assistance and Child Protection of Mehedinți County informed us that it would undertake immediate and systematic actions for the identification of available places in residential centres or other authorised structures nationwide;

- strengthening cooperation with other general directorates for social assistance and with accredited public and private providers, in order to ensure continuity of social services;
- ensuring compliance with the principles laid down in Law No. 7/2023, including those relating to legality, institutional responsibility, protection of beneficiaries' rights and the avoidance of any form of unjustified institutionalisation;
- preventing situations in which adults with disabilities remain unjustifiably hospitalised for prolonged periods or are discharged into the care of unauthorised persons or structures.

We were also informed that the organisational structure of the General Directorate for Social Assistance and Child Protection of Mehedinți County includes the Monitoring,

Statistical Analysis, Social Assistance and Social Inclusion Indicators Unit, which maintains records of all institutionalised or deinstitutionalised persons with disabilities, allowing accurate daily reporting of this information.

Through Recommendation No. 205/2025, the People's Advocate requested the Ministry of Health to take the necessary legal measures to ensure that, at national level, medical units no longer discharge or transfer patients lacking discernment to unauthorised private individuals or to locations not accredited for the provision of social or medico-social services. The Ministry of Health must adopt the measures necessary to prevent the recurrence of similar situations in the future.

The Ministry of Health informed the People's Advocate that it had transmitted Recommendation No. 205 of 24 October 2025 to all public health directorates, instructing them to request the management of each medical unit (all hospitals within the area served by the public health directorate) to adopt the measures necessary for its implementation.

The People's Advocate requested the Ministry of Labour, Family, Youth and Social Solidarity to act promptly whenever situations are identified in which vulnerable persons are accommodated by unauthorised private individuals or organisations, and to coordinate the intervention of county authorities, ensuring that territorial control structures carry out effective monitoring and immediately report irregularities, so that abuses may be prevented and vulnerable persons are not exposed to serious risks to their health and safety. Social inspectors must be trained to identify situations involving systemic risk, including cases in which private individuals manage a large number of beneficiaries without authorisation, and to take proactive measures aimed at preventing abuse.

The Ministry of Labour informed us that it had analysed the situation and undertaken the necessary actions to prepare a series of proposals for amendments to legislation, aimed at eliminating the inconsistencies identified.

Accordingly, the legislative framework specific to the provision of social services was amended and supplemented through changes to certain provisions of the Social Assistance Law No. 292/2011, as subsequently amended and supplemented, Law No. 17/2000 on social assistance for elderly persons, republished, as subsequently amended and supplemented, and Law No. 197/2012 on quality assurance in the field of social services, as subsequently amended and supplemented.

Furthermore, in light of the findings resulting from the inspection activities, as well as on the basis of the documents transmitted during the documentation/interinstitutional correspondence process, the criminal investigation authorities were notified, within the limits of the Ministry's legal competences, regarding alleged acts committed by a private individual from Bihor County that may fulfil the constituent elements of criminal offences under the Criminal Code.

**In view of the above**, the People's Advocate found that the responses received from the Ministry of Health and the Drobeta Turnu Severin County Emergency Hospital confirmed the findings of the People's Advocate and, at the same time, reflected acceptance of Recommendation No. 205/2025.

Furthermore, the response received from the General Directorate for Social Assistance and Child Protection of Mehedinți County also reflected acceptance of Recommendation No. 205/2025. However, since the authority merely stated that it "would analyse the situation" of the 16 patients hospitalised in the Chronic Psychiatry and Acute Psychiatry Sections of the Drobeta Turnu Severin County Emergency Hospital, without indicating concrete measures, deadlines or clear responsibilities, the People's Advocate approved the continuation of the action through a separately registered own-initiative inquiry, with a view to obtaining additional information. Nevertheless, at this stage, it cannot be considered that the Recommendation of the People's Advocate has been implemented in practice.

We also found that the response of the Ministry of Labour confirmed the findings of the People's Advocate, but represented only partial acceptance of Recommendation No.

205/2025. Following the Recommendation of the People's Advocate, the Ministry of Labour analysed the situation and initiated legislative amendments aimed at eliminating the inconsistencies identified. Through Government Emergency Ordinance No. 70/2025, the Social Assistance Law No. 292/2011 was amended by introducing concrete measures aimed at preventing non-compliance with legal provisions by private individuals wishing to become involved in assisting vulnerable elderly persons.

However, no concrete measures adopted for the protection of persons with disabilities lacking discernment and placed in the care of a private individual were communicated to us.

**Case File No. 42368/2025** The People's Advocate initiated an own-initiative inquiry following information published in the press regarding the case of 74 elderly persons accommodated in improper conditions after the closure, due to irregularities, of the care home in which they had been institutionalised, there being suspicions of violations of the right to life and physical integrity, as well as of the rights of persons with disabilities.

The People's Advocate ordered investigations into the situation reported in the press and found that the competent authorities had identified serious and inhuman accommodation conditions for elderly persons who had been unlawfully relocated from the "Casa Ana" care home in Lenauheim to a building in the locality of Cenad. The beneficiaries were accommodated in unsuitable spaces, including on mattresses placed directly on the floor, in overcrowded and unsanitary rooms; some persons were immobilised in degrading conditions, without light or heating sources, and there were suspicions of unlawful deprivation of liberty and ill-treatment. The elderly persons were not adequately fed, and some of them were in a severely deteriorated state of health.

More specifically, the authorities identified 76 elderly persons accommodated in improper and overcrowded conditions, including in hallways, kitchens or spaces intended for serving meals. Three bedridden beneficiaries were being kept in the basement, without light or heating, in poor hygienic conditions and in an unsanitary environment. The beneficiaries were supervised by four foreign nationals (two Nepalese and two Sri Lankan nationals, three men and one woman).

The authorities informed the People's Advocate that, following inspections carried out at the "Casa Ana" care home for elderly persons in Lenauheim and at the building in the locality of Cenad where the beneficiaries had been relocated, serious non-compliance issues regarding the operation of the social service had been identified, resulting in the emergency withdrawal of the operating licence and the relocation of beneficiaries to licensed centres or medical units.

The Timiș Public Health Directorate (DSP Timiș) stated that, following previous thematic inspections, sanctions had been imposed and measures ordered regarding hygiene, the storage of medicines, the operation of the medical office and the use of biocidal products. Subsequently, no further activity was identified at the property in Lenauheim, while a new application for health authorisation submitted for the same premises was still under review.

The Prefect's Institution and AJPIS Timiș stated that 14 beneficiaries had been identified in Lenauheim, while another 76 persons had been illegally accommodated in Cenad in premises lacking a licence for social services. The Timiș County Committee for Emergency Situations ordered the relocation of 90 persons to licensed residential centres and hospitals, their situation being permanently monitored by AJPIS, DSP and DGASPC Timiș.

AJPIS Timiș urgently withdrew the operating licence of the care home, ordered the implementation of the emergency plan and imposed administrative sanctions, while also filing criminal complaints for the unlawful exercise of an activity, abusive conduct and unlawful deprivation of liberty. The Police and the Prosecutor's Office opened and expanded criminal investigations, carrying out searches and verifications concerning possible offences of unlawful deprivation of liberty, abusive conduct, involuntary manslaughter and the unlawful exercise of an activity.

The situation of the relocated beneficiaries and of residential centres for elderly persons in Timiș County remains under the monitoring and supervision of the competent authorities.

**Case File No. 6271/2025** The People's Advocate initiated an own-initiative inquiry following the publication of press reports concerning an illegal centre for elderly persons in Voluntari, where inspectors found several elderly persons living in precarious conditions, without documents attesting to the legality of the operation, while one of the residents died on the way to hospital.

Following the actions undertaken by the People's Advocate, the authorities notified communicated the following:

-11 elderly persons were identified in the property in Voluntari, living in precarious conditions, without any legal authorisation for carrying out care activities, the services being provided on the basis of civil contracts, without documents attesting either to the lawful operation of the activity or to the proper qualifications of the person providing care.

At the same time, serious deficiencies were identified regarding hygiene conditions, the storage of medicines, the absence of medical records and the lack of proper organisation of care. Subsequently, some of the persons were relocated; however, one person died in the context of these circumstances.

Following the intervention of the authorities, the beneficiaries were taken over by relatives or admitted to hospital units, the illegal activity was identified and stopped, administrative sanctions were imposed, and measures were ordered prohibiting the provision of medical and care services until compliance with the legal framework was ensured. At the same time, criminal investigations are being conducted in relation to tax evasion and the unlawful exercise of an activity requiring authorisation.

**Case File No. 35311/2025** The People's Advocate initiated an own-initiative inquiry following information concerning the death of a beneficiary of the "Gabriela Rădoiaș" Social Centre for Elderly Persons in the village of Vlădeni, Corlăteni Commune, Botoșani County, who was found hanged, in the context of possible inadequate living, operating and care conditions. In order to verify the situation, information was requested from the competent authorities.

The authorities notified by the People's Advocate (the Botoșani County Agency for Payments and Social Inspection (AJPIS Botoșani), the General Directorate for Social Assistance and Child Protection (DGASPC Botoșani), the Botoșani Public Health Directorate (DSP Botoșani) and the Botoșani County Police Inspectorate (IPJ Botoșani)) reported that repeated inspections had been carried out at the "Gabriela Rădoiaș" Social Centre in Botoșani County regarding compliance with minimum quality standards and the legality of the operation of the social service.

Following the inspections, it was found that, for a certain period, the centre had operated without fully complying with the required standards and, at one point, without a licence, administrative sanctions being imposed and corrective measures ordered.

Subsequently, new assessments were carried out and an operating licence was issued. However, in the context of further serious non-compliance issues (insufficient staff, failure to ensure adequate food and hygiene, and failure to meet the conditions required for the categories of beneficiaries accommodated), the suspension of activities and, subsequently, the withdrawal of the licence were ordered.

At the same time, the Botoșani Public Health Directorate confirmed the non-compliance issues and imposed sanctions, ordering the suspension of activities until the deficiencies were remedied and the relocation of beneficiaries, while the Police Inspectorate confirmed the death of a beneficiary and opened a criminal investigation for involuntary manslaughter.

Measures were ordered for the beneficiaries of the "Gabriela Rădoiaș" Social Centre in Botoșani County to be transferred to other licensed social services or, where appropriate,

returned to their families for the purpose of reintegration. Reintegration into the family has already been carried out for some persons, while for the remaining beneficiaries procedures were initiated for relocation to licensed social centres or for contacting relatives and the competent local authorities in order to identify reintegration solutions. **The case file remains under examination.**

**Case File No. 12499/2026** A petitioner notified the People's Advocate regarding the situation of a beneficiary, alleging that the person had been institutionalised by his son in a nursing home in Bucharest without being able to leave the facility.

In order to verify the matters complained of, the People's Advocate undertook actions before DGASPC Sector 2, the police authorities, the competent prosecutor's office and other authorities with responsibilities in the field.

The responses received showed, in essence, that the centre in which the beneficiary is accommodated does not hold an operating licence as a social service, that the beneficiary does not have a legal representative and that he had been informed of the possibility of requesting termination of the services provided. The facility also stated that leaving the centre is conditional upon the beneficiary being accompanied by his son, the person who had initially brought him there.

The competent authorities notified the police authorities and the social inspection agency, and the investigations are ongoing. **The case file remains under examination.**

## **II. Situations in which social service providers changed the object of their activity, with nursing homes being transformed into residential accommodation facilities rented to beneficiaries, while simultaneously providing them with care and supervision services outside the legal framework specific to social services**

**Case File No. 39097/2025** The People's Advocate was notified, through a petition, regarding the situation of a 97-year-old person accommodated at the "Casa Speranței" Elderly Care Centre in Bascov Commune, 43A Glâmbocului Street, Argeș County, whose right to receive private visits or to leave the centre for specific periods of time had allegedly been restricted.

Following the actions undertaken, the People's Advocate found that the "Casa Speranței" Elderly Care Centre had changed its object of activity, becoming S.C. VITALIS SANOMED S.R.L., carrying out home care dispatching activities on the basis of an authorisation issued on the basis of its own declaration. At the operating premises in Bascov Commune, three companies with different activities were operating simultaneously (home care services, rental of premises and collective catering services).

Accordingly, the People's Advocate investigated the manner in which certain elderly care centres change their object of activity (CAEN code) in order to avoid the regulations concerning the mandatory licensing of social services.

The authorities responsible for inspections, which had been approached by the People's Advocate, expressed the suspicion that the activity carried out was in fact similar to that of an elderly care centre. Consequently, a criminal complaint was filed regarding the offence of unlawfully exercising a profession or activity for which the law requires authorisation, or exercising such activity under conditions other than those provided by law, an offence regulated by Article 348 of the Criminal Code.

The Argeș Public Health Directorate informed the People's Advocate that, at the time of the inspections, 32 persons were accommodated in the building on the basis of rental agreements, while care services were being provided through separate medical service contracts.

The authorities noted that certain facilities had changed their CAEN code to 8690, raising suspicions that the legal framework was being circumvented. As a result, AJPIS Argeş filed criminal complaints for the unlawful exercise of regulated activities.

At the same time, the authorities ordered specific measures, including the suspension of the activities of one company.

In order to circumvent legal provisions and fire safety obligations, several providers changed their CAEN code. Inspections carried out by the Inspectorate for Emergency Situations (ISU) demonstrated that this method had been used by facilities operating in 39 buildings without fire safety authorisation, the providers continuing their activities in the same locations while thereby avoiding the strict licensing requirements.

**With regard to the decisions issued by the criminal investigation authorities in relation to the criminal complaints filed**, in several cases orders were issued dismissing the complaints concerning the alleged commission of the offence of unlawfully exercising a profession or occupation, as provided for in Article 348 of the Criminal Code. Among the reasons underlying the dismissal decisions was the fact that the persons interviewed stated that they **had not been victims of criminal offences, while relatives declared themselves satisfied with the accommodation conditions**. The companies concerned had concluded sublease agreements with the persons accommodated at the premises, the companies not having the provision of social services among their objects of activity. Some of the companies were fined because they were not accredited to provide social services. For this reason, they paid the fines and changed their operational CAEN codes.

Furthermore, dismissal decisions were also issued on the grounds that the reports drawn up during the inspection missions carried out by AJPIS contained measures and deadlines that were still in the process of being implemented.

The Prefect's Institution - Argeş County analysed the situation of elderly care centres and found that 49 private centres were operating, of which only 10 were licensed, while the majority of beneficiaries were being cared for within the private system.

AJPIS Argeş identified 46 unlicensed centres operating either by reclassifying their activity as accommodation or medical services, or by maintaining social services as a secondary activity, a situation which, under certain legal conditions, allows them to avoid the requirement of holding an operating licence.

The particular case of S.C. VITALIS SANOMED S.R.L. and S.C. ALEXANDRA IMOB S.R.L. remains complex both because of the manner in which they operate, apparently in compliance with the legal provisions associated with CAEN code 8690, and because of the administrative and legal mechanisms they use to evade the control of the competent authorities, since, according to the authorities responsible for inspections, **the activity declared on their own responsibility – home care dispatching services – is not classified as a social service**.

In light of the above, the People's Advocate continues the actions undertaken in this case file and has decided to notify the Control Body of the Prime Minister of Romania. **The case file remains under examination.**

### **III. Non-compliance issues regarding living conditions in residential centres for elderly persons**

**Case File No. 4969/2025** The People's Advocate initiated an own-initiative inquiry following the publication, in the local press, of the article entitled "*Elderly Care Home in Prahova Closed Following an Inspection*", concerning several irregularities discovered at a centre for the care of elderly persons located in Ariceştii Rahtivani, Prahova County.

The information and documents provided by the authorities contacted revealed the following aspects concerning the intervention of the authorities:

The Prahova County Consumer Protection Commissioner's Office, the Prahova Public Health Directorate and AJPIS Prahova identified multiple serious deficiencies within the centre

concerning food safety, hygiene, accommodation conditions and compliance with sanitary and operational regulations. Unsafe products and procedures were identified in the food preparation unit, along with unhygienic conditions, deteriorated furniture and installations, the absence of compliant facilities for medical waste and laundry washing, as well as non-compliance with the authorised operational circuits. The activity of the food preparation unit was suspended, the existing food products were destroyed, and meals for beneficiaries were temporarily provided through catering services. The authorities imposed fines exceeding RON 40,000 and ordered corrective measures. At the same time, it was found that the provider did not comply with the minimum staff-to-beneficiary ratio required for elderly persons accommodated in the centre.

The beneficiaries of the inspected social service were pensioners aged between 56 and 91 years. At the time of the inspection, the provider was not complying with the minimum staff-to-beneficiary ratio. The social inspectors identified non-compliance with the legislation in force, ordering eight corrective measures and imposing two administrative sanctions amounting to a total of RON 12,000. During a subsequent unannounced inspection, it was found that three of the measures had not been implemented, for which reason the centre was fined again in the amount of RON 10,000 and a new compliance deadline was established.

The social service provider, the “Vatra Neamului” Foundation, notified AJPIS Prahova that, by decision of its Board of Directors, the social service would cease its activities and the beneficiaries would be taken over by their relatives.

The Ariceştii Rahtivani Commune Town Hall informed the People’s Advocate that, through the “Social Inclusion and Dignity 2021–2027” Programme, it is implementing a project aimed at establishing a day centre for vulnerable elderly persons and at providing monthly social services to a minimum of 50 beneficiaries, both at the centre and at their homes.

**Case File No. 21244/2025** A petitioner contacted the People’s Advocate and reported possible irregularities at the “Madame Maisonnette” nursing home in Craiova, operated by a private company. The complaint concerned the excessive working hours of the care staff, the performance of medical activities by unauthorised personnel, the sporadic presence of the nurse, insufficient staffing levels, possible fictitious employment practices and non-compliance with obligations relating to employment contracts, as well as the preparation of meals for beneficiaries by caregivers in the absence of a cook.

The petitioner considered that these practices flagrantly violated the rights of employees and endangered the life and health of the elderly persons in care.

The competent authorities (the Dolj Sanitary Veterinary and Food Safety Directorate – DSVSA Dolj, AJPIS Dolj, the Dolj Territorial Labour Inspectorate – ITM Dolj, and the Dolj Public Health Directorate – DSP Dolj) identified, following inspections carried out at the “Madame Maisonnette” nursing home, deficiencies relating to food safety, hygiene, compliance with minimum quality standards for social services and compliance with labour regulations.

The Dolj Sanitary Veterinary and Food Safety Directorate identified improper handling and storage of food products and imposed a fine of RON 20,000. AJPIS Dolj identified non-compliance with minimum quality standards and ordered corrective measures, without identifying abuse or neglect situations. The Dolj Public Health Directorate sanctioned the facility for irregularities concerning the preservation of food samples. The Dolj Territorial Labour Inspectorate identified deficiencies regarding the recording of working hours and the registration of employment contracts, imposing sanctions and compliance measures.

The facility remedied the deficiencies identified following the measures ordered by the authorities during the inspections.

**Case File No. 7365/2025** The People’s Advocate initiated an own-initiative inquiry following an anonymous petition reporting several irregularities at the Seniori Central Nursing Home in Craiova, operated by S.C. Râpa Roşie S.R.L., concerning the lack of hygiene

materials, poor hygienic and sanitary conditions (including cockroach infestation), the lack of hot water and adequate heating, as well as non-compliance with legal working hours and the non-payment of overtime.

The petition also alleged staff shortages and excessive workload for employees, the non-functioning of the lift, the absence of recreational activities and outdoor walks for beneficiaries, as well as non-compliance with the prescribed menu and snack schedule.

The competent authorities (DSVSA Dolj, ITM Dolj, AJPIS Dolj and DSP Dolj) found, following inspections carried out at S.C. Râpa Roşie S.R.L. – Seniori Central Nursing Home in Craiova, non-compliance issues regarding the organisation and sanitary authorisation of the facility, compliance with labour regulations and the recording of working hours, as well as specific hygiene and operational deficiencies. Corrective measures were ordered and administrative sanctions imposed, some of the deficiencies subsequently being remedied, while the facility is currently operating on the basis of an updated sanitary authorisation, with no situations of abuse or neglect of beneficiaries being identified.

The competent authorities (DSVSA Dolj, ITM Dolj, AJPIS Dolj and DSP Dolj) also identified inconsistencies between the authorised structure and the actual structure of the facility and ordered a new sanitary assessment, DSP Dolj imposing an administrative fine. In the field of labour relations, deficiencies were identified concerning the recording of working hours (absence of starting and ending times), non-compliance with regulations regarding night work, failure to grant certain entitlements for work performed during the weekly rest period, as well as the transmission of inaccurate data into REVISAL. Measures for compliance with the law, administrative sanctions and remediation deadlines were ordered accordingly. At the same time, occupational health and safety non-compliance issues were identified (absence of responsibilities in job descriptions and improper arrangement of a workplace), sanctioned with a fine of RON 8,000 and corrective measures.

As regards social services, AJPIS Dolj found, following the inspection, that the minimum quality standards were being complied with, that staffing levels corresponded to the degree of dependency of the beneficiaries, and that there were no complaints or suspicions of abuse, neglect or degrading treatment, the beneficiaries and their relatives declaring themselves satisfied with the conditions provided. Subsequently, DSP Dolj confirmed that the facility had entered into compliance from a sanitary perspective by obtaining an updated sanitary authorisation.

**Case File No. 31546/2025** The People's Advocate initiated an own-initiative inquiry following information published in the press concerning the conditions in the Hotarele and Onceşti residential centres belonging to DGASPC Giurgiu and, following the investigations carried out at these centres, issued **Recommendation No. 194/2025** to the management of DGASPC Giurgiu.

Following the investigations conducted at the Hotarele and Onceşti Centres for Elderly Persons, the People's Advocate found that, overall, the accommodation conditions, furniture and bed linen were appropriate, while the beneficiaries generally declared themselves satisfied with the food and services provided.

However, at the Hotarele Centre, deficiencies were identified regarding hygiene and medical assistance, consisting in the absence of hygiene products in the sanitary facilities, the improper use of cleaning materials, the presence of insects, insufficient ventilation of the rooms and the persistence of unpleasant odours. It was also found that the beneficiaries did not regularly benefit from medical evaluations carried out by the family doctor and that physiotherapy, massage or other procedures necessary for maintaining their health condition were not being provided.

At the Onceşti Centre, problems relating to overcrowding were identified, together with inconsistencies regarding the use of spaces designated as the isolation room and mortuary

room, as well as specific deficiencies concerning the presence of insects, the functioning of sanitary facilities and the frequency of bathing beneficiaries.

Through Recommendation No. 194/2025, the People's Advocate requested DGASPC Giurgiu to adopt measures aimed at improving care and hygiene conditions in the Hotarele and Oncești Centres for Elderly Persons, including the assessment of beneficiaries' health status, the provision of rehabilitation services and the possibility of daily bathing, the remediation of material and hygiene deficiencies, as well as the improvement of ventilation conditions and pest control measures.

The People's Advocate also recommended the adoption of measures concerning the organisation and functioning of the centres, including the proper use of special-purpose spaces within the Oncești Centre, the evaluation of staff activity and the consideration of transferring beneficiaries suffering from serious conditions to appropriate medico-social facilities.

At the same time, the People's Advocate requested the updating and observance of emergency plans aimed at preventing overcrowding in the centres.

DGASPC Giurgiu informed the People's Advocate regarding the partial implementation of the measures ordered through Recommendation No. 194/2025, for which reason the actions of the People's Advocate are continuing and the case file remains under examination.

**Case File No. 6265/2025** The People's Advocate initiated an own-initiative inquiry following the publication of press reports stating that, during an inspection carried out at a centre for elderly persons in Teleorman County, several irregularities had been identified, including the absence of displayed menus and visiting schedules, inadequate hygiene conditions, expired medicines, unprotected mattresses and pillows, as well as deficiencies concerning the storage of food products.

The authorities informed the People's Advocate about the results of the inspections carried out at the "Sfânta Maria" Residential Centre for Dependent Elderly Persons in Talpa, Teleorman County.

Exceeding the accommodation capacity was identified, together with non-compliance with certain minimum quality standards and deficiencies concerning food products, storage conditions, hygiene of the premises, and certain equipment and materials used within the centre.

In this regard, the inspection authorities imposed sanctions and ordered corrective measures.

Following subsequent inspections, compliance with the accommodation capacity and minimum quality standards was confirmed, while the identified deficiencies had been remedied through the sanitation of the premises, the display of the required information, the replacement of non-compliant medicines, the restoration of appropriate storage and equipment protection conditions, as well as the removal of unsuitable products, additional measures also being ordered and implemented by the inspection authorities.

**Case File No. 5158/2025** The People's Advocate initiated an own-initiative inquiry and ordered investigations to be carried out by several competent authorities following information concerning the existence of expired food products in a private nursing home in Bacău County.

According to the information communicated, the notified authorities (the Bacău County Agency for Payments and Social Inspection, the Bacău Public Health Directorate, the Bacău Sanitary Veterinary and Food Safety Directorate and the Bacău County Consumer Protection Commissioner's Office) confirmed the reported irregularities. Significant quantities of non-compliant food products used in the nutrition of beneficiaries were identified, subsequently withdrawn and neutralised. Administrative sanctions were also imposed on the economic operator.

In order to verify the current situation of the beneficiaries, the People's Advocate ordered an investigation at the Elderly Care Centre operated by the "Save the Elderly Săucești" Association. It was found that the beneficiaries were accommodated in appropriate hygiene and safety conditions, in clean and properly equipped rooms, and were assigned according to their health condition and personal affinities.

The centre has facilities adapted for both dependent and independent persons, a lift to ensure accessibility, properly sanitised shared bathrooms and adequate amenities. Meals are prepared in the centre's own kitchen under appropriate conditions, based on a medically approved menu displayed daily and adapted to the beneficiaries' needs, while all food products were within their validity period.

The centre also provides medical assistance and health monitoring through cooperation with a family doctor, as well as specialised services (psychological, social and physiotherapy services), while also benefiting from sufficient staff for care and administrative activities.

**Case File No. 8297/2026** The People's Advocate was notified by the sister and legal representative of a beneficiary institutionalised in the Medico-Social Assistance Unit (UAMS) Călinești, Argeș County, who complained about the unit's intention to discharge him, although the beneficiary is an elderly, bedridden person diagnosed with stroke and mixed dementia and has neither family nor housing. At the same time, allegations were made regarding a presumed physical altercation between beneficiaries, deficiencies in the provision of medical assistance, admission for psychiatric reassessment to a facility considered unsuitable, as well as breaches of personal data confidentiality.

The People's Advocate ordered an investigation at the Călinești Medico-Social Assistance Unit and, following the problems identified, issued **Recommendation No. 69/2026** addressed to the Director of UAMS Călinești.

The People's Advocate primarily recommended the carrying out of an independent medical reassessment in order to establish the causes of the beneficiary's state of agitation, the conducting of a complex social inquiry for the purpose of preparing an individualised socio-medical recovery plan, as well as the establishment of cooperation procedures with the Pitești County Emergency Hospital for the management of medical emergency cases. The Recommendation also requested the provision of an adequate number of medical and auxiliary staff and the notification of the competent authorities should the beneficiary no longer have a legal representative or should that representative fail to fulfil his or her duties.

Subsequently, DSP Argeș communicated that no non-compliance issues had been identified in the activity of the unit, and, up to the date of reporting, no information had been transmitted regarding the implementation of the recommendations by the addressee. **The case file remains under examination.**

**Case File No. 40964/2025** The People's Advocate initiated an own-initiative inquiry following a complaint concerning the manner in which a person with disabilities diagnosed with Alzheimer's disease was cared for while institutionalised between 10 October and 1 November 2025 at the "Casa cu Magnolii" Nursing Home in Săbăreni, Giurgiu County. The petition alleged that, during the period of institutionalisation, the health condition of the institutionalised person had deteriorated, while several deficiencies relating to nutrition, hygiene, administration of treatment and general care were also reported, including the development of pressure sores. Subsequently, emergency hospitalisation became necessary, during which the person was found to be in a severe state of dehydration, followed by the person's death on 18 November 2025.

The authorities informed the People's Advocate that, following inspections carried out at the "Casa cu Magnolii" Nursing Home, it had been established that the facility held the necessary sanitary authorisation and generally complied with hygiene, accommodation, nutrition and medical assistance requirements through its own staff and contracts with

specialists. However, it was found that the authorised operating capacity had been exceeded, for which an administrative sanction was imposed and a reduction in the number of beneficiaries to the licensed capacity was ordered.

At the same time, AJPIS Giurgiu identified non-compliance issues regarding minimum quality standards in social services and ordered corrective measures concerning compliance with the centre's capacity limits, improvement of safety conditions within the premises, completion of mandatory registers, strengthening of case management procedures, improvement of infrastructure accessibility and the provision of specialised staff. Administrative sanctions were imposed for the identified breaches, some of the measures having already been implemented, while the others remain in progress.

The People's Advocate addressed the Prosecutor's Office attached to the Bolintin Vale Court, requesting information concerning the case file opened following the death of the institutionalised person. The information communicated showed that criminal case file had been registered with the prosecutor's office, the investigation being carried out by the Giurgiu County Police Inspectorate – Criminal Investigations Service.

**Case File No. 1320/2026** The People's Advocate initiated an own-initiative inquiry following a petition alleging irregularities in the transfer of a person with disabilities from the Sasca Mică Neuropsychiatric Recovery and Rehabilitation Centre to the Pojorâta Centre, without prior psychological preparation and without ensuring minimum transfer conditions (including the absence of luggage and footwear), a situation which allegedly led to the deterioration of the beneficiary's health condition and negatively affected another institutionalised person.

In this context, possible violations of the constitutional provisions concerning the right to life and physical and mental integrity were examined, and the People's Advocate requested investigations by the Suceava Agency for Payments and Social Inspection, DGASPC Suceava and the two centres involved.

DGASPC Suceava informed the People's Advocate that, following the investigations carried out, the person indicated as the author of the complaint stated that the email address did not belong to her and that she was not the author of the complaint.

It was also established that the beneficiary had in fact been transferred to the "A New Chance" Empowerment and Rehabilitation Centre in Todirești and not to the Pojorâta Empowerment and Rehabilitation Centre. The transfer was carried out in accordance with the legal procedures, with the beneficiary and her family being informed and giving their consent, for the purpose of ensuring continuity of services. The beneficiary received psychological counselling prior to the transfer, and no subsequent medical or adaptation problems were identified.

As regards the other beneficiary, it was stated that she had not gone on a hunger strike, but had merely refused certain meals, while being medically and psychologically monitored.

Although the allegations raised were not confirmed, DGASPC Suceava recommended providing more extensive counselling to transferred persons and facilitating the maintenance of friendships between beneficiaries through visits and telephone contact.

#### **IV. Legal Representation**

**Case File No. 12627/2026** The People's Advocate initiated an own-initiative inquiry following a petition submitted by the social worker within the Emergency Admissions Unit of the "Saint Pantelimon" Clinical Emergency Hospital Bucharest regarding the situation of an elderly person admitted to this medical unit on 18 February 2026, following notification by a neighbour, with the diagnoses "left hip stiffness following bipolar prosthesis, delusional disorder under etiological assessment, chronic neurocognitive disorder under observation".

In its actions, the People’s Advocate took into account the information communicated by the petitioner, the vulnerable condition of the elderly person and the possibility that the person may have signed property transfer documents without fully understanding their implications, against the background of a medical condition capable of affecting discernment.

The medical unit informed us that the elderly patient had been discharged upon request to the address where she resides without legal registration formalities, in the town of Voluntari, Ilfov County.

The information communicated by the notified authorities showed that DAS Voluntari is monitoring the case; the elderly person *lacks family support, refuses the involvement of social services and any measure that would entail institutionalisation or intervention by the authorities, relying instead on “the limited support provided by neighbours and the occasional assistance offered by Mrs C.E.V.”*, whom she met at the “Saint Pantelimon” Clinical Emergency Hospital and with whom she concluded a care and personal assistance agreement. Mrs C.E.V. presented herself as the president of a charitable association, showing a stamped identification card in order to gain the elderly person’s trust. *Following the social inquiry carried out by DAS Voluntari, suspicions arose regarding the relationship between the elderly person and Mrs C.E.V.*

Given that the elderly person does not have an appointed legal representative, the People’s Advocate requested DGASPC to counsel the elderly person also with regard to the possibility of being classified as a person with disabilities and to assist her in taking the necessary steps, to cooperate with DAS Voluntari in monitoring the case, and to assess the appropriateness of initiating proceedings for the appointment of a legal representative for the elderly person, taking into account the provisions of Article 182 in conjunction with Article 111 of the Civil Code<sup>10</sup>. **The case file remains under examination.**

**Case File No. 12936/2026** The People’s Advocate initiated an own-initiative inquiry following a petition submitted by the social worker within the Emergency Admissions Unit of the “Saint Pantelimon” Clinical Emergency Hospital Bucharest, which contained information regarding the possible fraudulent conduct of certain persons engaging in deceptive practices towards patients lacking family support who are admitted to the above-mentioned medical unit, for the undisclosed purpose of obtaining ownership rights over immovable property belonging to vulnerable patients, to whom they claim they will provide the necessary care following discharge.

In its actions, the People’s Advocate took into account that the situation reported by the social worker reveals issues that may arise in numerous cases, in the context of persons who, due to age and/or illness, are in a state of vulnerability and may, even temporarily, be unable

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<sup>10</sup> Article 182 (1) Curatorship may be established at the request of the person to be represented, their spouse, relatives or the persons referred to in Article 111.

(2) Curatorship may only be established with the consent of the person represented, except in cases where such consent cannot be given.

(3) The curator shall be appointed by the guardianship court, with the consent of the person designated, by means of a ruling communicated in writing to the curator and displayed at the premises of the guardianship court, as well as at the town hall of the domicile of the person represented.

(4) The court seized with the request for the establishment of curatorship may order the institution of judicial counselling or special guardianship. The provisions of Articles 164–177 shall apply accordingly.

Article 111: The following persons are under an obligation, as soon as they become aware of the existence of a minor deprived of parental care in the cases provided for under Article 110, to notify the guardianship court:

a) persons close to the minor, as well as the administrators and occupants of the house in which the minor resides;  
b) the civil status office, upon registration of the death of a person, as well as the public notary, upon the opening of succession proceedings;

c) the courts, upon the conviction of a person to the criminal penalty of deprivation of parental rights;

d) **the prosecutor, local public administration authorities, protection institutions, as well as any other person.**

to understand the effects of the legal acts they conclude and, consequently, unable to express valid consent to their conclusion.

In this case file, the People's Advocate addressed the town halls of Bucharest Municipality, the Bucharest Administration of Hospitals and Medical Services, the Ministry of Health and the National Union of Public Notaries of Romania.

At the level of Bucharest Municipality, a partial result has been obtained. The town halls of Sectors 2 and 6 communicated information regarding the manner in which they exercise their competences, including the provision of free legal counselling for the conclusion of sale-purchase agreements, donation agreements or agreements establishing movable or immovable security interests, assistance provided to elderly persons in concluding any property transfer act for the purpose of care/maintenance concerning their own assets, co-signing the legal act together with the assisted person, cooperation with medical units, as well as cooperation with notarial offices/lack of cooperation with the National Union of Public Notaries of Romania (Sector 6 Town Hall). Information was also provided regarding the ways in which elderly persons are informed about the possibility of requesting and obtaining counselling/assistance within notarial offices, medical units, town halls and social assistance institutions. **The case file remains under examination.**

Furthermore, considering that such situations may arise in numerous cases, the People's Advocate ordered the extension of the investigations nationwide, and the territorial offices of the institution addressed the local authorities in the counties within their jurisdiction. **The case files remain under examination.**